



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald K. Wright et al.

Examiners: Piazza Corcoran;
Gladys Josefina

Serial No.: 10/039,527

Art Group: 1733

Filing Date: November 7, 2001

Atty. Docket No.: 21276.01.9053

Confirmation No. 8833

Title: **APPARATUS AND METHOD FOR MANUFACTURING RECLOSABLE
BAGS UTILIZING ZIPPER MATERIAL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Carmen Camarena
Carmen Camarena

**PRIORITY CLAIM AND PETITION FOR THE EXTENSION OF THE
TIME PERIOD FOR MAKING A CLAIM FOR THE BENEFIT OF
AN EARLIER FILING DATE UNDER CFR §1.78(a)(2) AND (a)(5)**

Dear Sir:

Request For Benefit Of Earlier Filing Date

Applicants submit and respectfully request the acceptance of Applicants' Petition, under CFR §1.78(a)(2)(ii), for the extension of the time period for making a claim for the benefit of an earlier filing date. Specifically, Applicants request that the instant Application be granted the benefit of the filing date of the earlier filed provisional Patent Application No. 60/250,885, filed November 7, 2002, and U.S. Patent Application No. 09/415,696, filed October 12, 1999. In support of Applicants' request, Applicants have included the required information as set out in CFR §1.78(a)(3).

Amendment

Along with Applicants' request for the grant of its Petition, Applicants also request that the Application be amended as follows:

10/01/2004 AADDF01 00000067 220259 10039527

01 FC:1460 130.00 DA
CHICAGO#1271187.1

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Adjustment date: 01/14/2005 AKELLEY
10/01/2004 AADDF01 00000067 220259 10039527
01 FC:1460 130.00 CR
01/14/2005 AKELLEY 00000007 220259 10039527

01/14/2005 130.00 CR

Please insert before the first paragraph the following new section title and paragraph:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is based on and claims priority from U.S. Provisional Application Serial No. 60/250,885, filed November 7, 2000 and of co-pending U.S. application Serial No. 09/415,696, filed October 12, 1999, incorporated herein in its entirety by reference.

Required Information Under CFR §1.78(a)(3)

As required by CFR §1.78(a)(3), Applicants have submitted the following items:

(1) As Exhibit 1, Applicants have provided a copy of the now cross-referenced earlier filed Provisional Application No. 60/250,885;

(2) As Exhibit 2, Applicants have provided a copy of the now cross-referenced earlier filed Application No. 09/415,696; and

(3) As included below, Applicants have provided a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section, March 7, 2002, and the date the claim was filed September 24, 2004, was unintentional.

Statement Of Unintentional Delay

I, Robert S. Beiser, Applicants' attorney, am the sole Attorney of Record for the instant Application. On November 7, 2001, I filed such Application with the Patent and Trademark Office. Since the filing date I have been, and continue to be, responsible for the prosecution of the Application. As the sole Attorney of Record, I hereby attest that the entire delay, between the date the claim of priority was due under §1.78(a)(2)(ii), or March 7, 2002, and the date the current claim as embodied in this Petition was filed, or September 24, 2004, has been a delay that was entirely unintentional. By signing below, I further attest that I have made such statements based on personal knowledge of the facts surrounding the abandonment.

It should be noted in this regard that Applicants filed an Amendment on June 4, 2004 seeking to claim priority of the application No. 09/415,696, but inadvertently inserted Serial No. 10/039,527, the serial number of the present application.

Conclusion

Applicants, through their attorney representative, submit that Applicants are responsible for the unintentional delay in the filing of a claim for the benefit of an earlier filing date beyond the date the claim was due as defined under paragraph (a)(2)(ii) of this section. Applicants respectfully request the acceptance of the instant Petition and Applicants' supporting information, as required by CFR §1.78(a)(3), and respectfully request that the instant Application be granted the benefit of earlier filing date of the cross-referenced the earlier filed Application. Further, as noted above, Applicants request that the Application be amended to reflect the reference to the earlier filed Application.

The Commissioner is authorized to charge our Deposit Account No. 22-0259 for the current surcharge as specified in CFR § 1.17(t) and any additional fees or credit any overpayments.

Respectfully submitted,

By: Robert S. Beiser
Robert S. Beiser
Reg. No. 28,687

Date: September 24, 2004

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